

Exhibit D

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION; STATE OF NEW YORK; STATE OF CALIFORNIA; STATE OF ILLINOIS; STATE OF NORTH CAROLINA; STATE OF OHIO; COMMONWEALTH OF PENNSYLVANIA; and COMMONWEALTH OF VIRGINIA,

Plaintiffs,

v.

VYERA PHARMACEUTICALS, LLC; PHOENIXUS AG; MARTIN SHKRELI, individually, as an owner and former director of Phoenixus AG and a former executive of Vyera Pharmaceuticals, LLC; and KEVIN MULLEADY, individually, as an owner and former director of Phoenixus AG and a former executive of Vyera Pharmaceuticals, LLC,

Defendants.

Case No. 1:20-cv-00706-DLC

Declaration of Danielle Sims in Support of Plaintiffs' Motion to Hold Defendant Martin Shkreli in Contempt and Sanction Shkreli for Violating the Court's February 4, 2022 Order

I, Danielle M. Sims, pursuant to 28 USC § 1746, declare as follows:

1. I am an attorney at the Federal Trade Commission in the Bureau of Competition's Compliance Division, where I monitor Defendant Martin Shkreli's compliance with the Court's February 4, 2022, Order for Permanent Injunction and Equitable Monetary Relief (Dkt. No. 876) ("the Order").

2. On February 7, 2023, I received an email from Brianne Murphy with the subject "Martin Shkreli Second Compliance Report: Case No. 1:20-cv-00706-DLC." The email was also

addressed to additional recipients at the FTC and State Plaintiffs and was cc'ed to Martin Shkreli. Ex. D-1 is a true and correct copy of this email.

3. Ms. Murphy attached six documents to her February 7, 2023 email. Exhibits D-2 through D-5 are true and correct copies of four of those attachments.

- a. Exhibit D-2 is a true and correct copy of the attachment titled “Defendant Martin Shkreli’s Second Verified Compliance Report” and dated February 7, 2023;
- b. Exhibit D-3 is a true and correct copy of the attachment of a letter addressed to Martin Shkreli from Marek Biestek dated October 14, 2022, with the subject “Job Offer for Head of Strategy”;
- c. Exhibit D-4 is a true and correct copy of the attachment titled [REDACTED]
[REDACTED]
[REDACTED]; and
- d. Exhibit D-5 is a true and correct copy of the attachment titled [REDACTED]
[REDACTED]
[REDACTED].

4. Ex. D-6 is a true and correct copy of the report purchased by Plaintiffs from the Delaware Division of Corporation’s website on February 15, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 24, 2023

/s/ Danielle M. Sims
Danielle M. Sims

Exhibit D-1

Sims, Danielle

From: Brianne Murphy <brianne@industrielaw.com>
Sent: Tuesday, February 7, 2023 1:25 PM
To: elinor.hoffmann@ag.ny.gov; michael.battaglia@doj.ca.gov; Schultz, Richard; Jsutton2@ncdoj.gov; Beth Finnerty; jbetsko@attorneygeneral.gov; Amy.McFarlane@ag.ny.gov; Saami; Quyen D. Toland; Michael.Goldsmith@doj.ca.gov; Derek Whiddon; twertz@attorneygeneral.gov; Tyler T.; Petrizza, Maribeth; Huber, Susan; Sims, Danielle; Meier, Markus H.; Albert, Bradley Scott; Guy, Stephanie; Haneberg, Maren
Cc: Electronic Filings; bccompliance@ftc.com; Martin Shkreli
Subject: Martin Shkreli Second Compliance Report: Case No. 1:20-cv-00706-DLC
Attachments: MS_Employment_Letter.pdf; [REDACTED]

[REDACTED];
Shkreli - Compliance Report 2.7.2023_FINAL.pdf

All -

Per your request and in accordance with the February 4, 2022 Order in the above-captioned matterPlease see the attached requested documents and supplemental compliance report. As noted in the document, please treat the report and attachments as confidential and subject to the protective order in this matter. We further note that you wish to depose Mr. Shkreli and can make him available to answer your questions outlined in the October 13, 2022 letter. Please let me know if you have any questions. Thank you! Brianne

--

Brianne E. Murphy | Murphy Group CNY, PLLC
New York, Syracuse & Washington, DC
T: [347.524.1415](tel:347.524.1415)
brianne@industrielaw.com

This message is intended only for the use of the Addressee and may contain information that is privileged and confidential. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

Exhibit D-2

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

FEDERAL TRADE COMMISSION;
STATE OF NEW YORK; STATE OF
CALIFORNIA; STATE OF ILLINOIS;
STATE OF NORTH CAROLINA; STATE
OF OHIO; COMMONWEALTH OF
PENNSYLVANIA; and
COMMONWEALTH OF VIRGINIA,

Plaintiffs,
v.

VYERA PHARMACEUTICALS, LLC;
PHOENIXUS AG; MARTIN SHKRELI,
individually, as an owner and former officer
of Vyera Pharmaceuticals, LLC and
Phoenixus AG (formerly known as Turing
Pharmaceuticals, LLC and Turing
Pharmaceuticals AG); and KEVIN
MULLEADY, individually, as an owner and
director of Phoenixus AG and a former
executive of Vyera Pharmaceuticals, LLC

Case No. 1:20-cv-00706-DLC

Defendants.

DEFENDANT MARTIN SHKRELI'S SECOND VERIFIED COMPLIANCE REPORT

On February 4, 2022, the Court issued an Order for Permanent Injunction and Equitable Monetary Relief (ECF 876, the “Order”). Section IV of the Order requires Defendant Martin Shkreli to submit to the Federal Trade Commission (the “FTC”) and each of the Designated State Representatives, as that term is defined in the Order (together with the FTC, “Plaintiffs”), a verified written report within 60 days of the entry of the Order, and one year after the entry of the Order, annually thereafter until the later of 10 years or payment of the monetary judgment ordered and at such other times as the Commission or a Plaintiff State may require. This report is Mr. Shkreli’s in response to the FTC’s request for a supplemental compliance report. Unless

otherwise defined herein, capitalized terms are used as defined in the Order, including Section I (Definitions).

Mr. Shkreli requests that this report, future reports, and supporting attachments, documents and information be designated as confidential pursuant to 15 U.S.C. §57b-2 and subject to the protective order in the above-captioned matter. As such, Defendant requests that Plaintiffs withhold such information from the public record. These reports contain confidential commercial and financial information. Disclosure of this information to the public will impair Mr. Shkreli's ability to fulfill his obligations under the Order. Mr. Shkreli requests that Plaintiffs inform him immediately if Plaintiffs cannot treat these reports and supporting documents, and the information contained within them, as confidential and subject to the protective order so that Mr. Shkreli may seek appropriate relief.

Compliance Report:

I, Martin Shkreli, state as follows:

1. Section IV.B.1.: I am not directly or indirectly participating in any manner in the pharmaceutical industry or with a Pharmaceutical Company.

Responding to Plaintiffs' concerns regarding [REDACTED]

(1) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(2) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(3) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(4) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(5) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(6) [REDACTED]

[REDACTED]

(7) [REDACTED]

(8) [REDACTED]

2. Section IV.B.2.: I have not accepted any Qualified Employment engagement.
3. Section IV.B.3:
 - a) Plaintiffs have my most recent tax return as provided with my April 5, 2022 First Compliance Report .
 - b) My current assets are as follows:²
 1. The following shares of Phoenixus AG: [REDACTED]
[REDACTED]
 2. [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

² To the best of my recollection this is a full and complete accounting of all my assets. These assets and voting rights are currently in receivership to be liquidated in conjunction with the judgment in *Koestler v. Shkreli*, No. 16-cv-7175.

3. \$150,000.00 promissory note in Prospero Pharmaceuticals, LLC that is convertible to equity;³
4. Certain artwork previously hanging at the corporate offices of Vyera Pharmaceuticals LLC of indeterminate value⁴;
5. [REDACTED]

[REDACTED]
c) I have not transferred, sold or otherwise disposed of any assets during the 12 month period preceding the submission of this compliance report.

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 7, 2023.

/s/ *Martin Shkreli*
Martin Shkreli

³ Prospero is a pharmaceutical company with no employees or facilities. Kevin Mulleady is the majority shareholder and CEO. In or around 2015, I loaned approximately \$150,000 to the company in exchange for a convertible note that, contingent on certain future events, could be converted into a very small equity position in the company. My understanding is that I cannot voluntarily call in payment on the note. As such, the convertible note currently has no cash value.

⁴ I am not sure of the current location of this artwork. I have previously disclosed its existence and whereabouts to both the EDNY, as well as the Receiver in the *Koestler* matter.

Exhibit D-3

October 14, 2022

Martin Shkreli

[REDACTED]

SUBJECT: JOB OFFER FOR HEAD OF STRATEGY

Dear Martin:

It is with great pleasure that we extend the following employment offer to you:

Position: Head of Strategy

Start date: October 14, 2022

Salary: [REDACTED]

Responsibilities: As Head of Strategy, you will be expected to lead the direction of our software development efforts as we target customers for our simulation software products.

This offer is not a contract of employment, and either party may terminate employment at any time, with or without cause. This letter also serves as acknowledgement of your involvement in this project since August 1st in this capacity.

Druglike, Inc. looks forward to bringing you on board. If you have questions, do not hesitate to reach out anytime.

Sincerely,

Marek Biestek

Director

[REDACTED]

marek@druglike.com



Jason Sommer

Director

[REDACTED]

jason@druglike.com

Candidate Signature: _____

Candidate Printed Name: Martin Shkreli

Date: October 14, 2022

Exhibit D-4

Filed Under Seal

Exhibit D-5

Filed Under Seal

Exhibit D-6

<u>File Number:</u>	7041782	<u>Incorporation Date / Formation Date:</u>	9/21/2022 (mm/dd/yyyy)
<u>Entity Name:</u>	SHKRELI FAMILY HOLDINGS LLC		
<u>Entity Kind:</u>	Limited Liability Company	<u>Entity Type:</u>	General
<u>Residency:</u>	Domestic	State:	State:
<u>Status:</u>	Good Standing	Status Date:	9/21/2022

TAX INFORMATION

<u>Last Annual Report Filed:</u>	0	Tax Due: \$ 0
<u>Annual Tax Assessment:</u>	\$ 300	<u>Total Authorized Shares:</u>

REGISTERED AGENT INFORMATION

Name:	NORTHWEST REGISTERED AGENT SERVICE, INC.		
Address:	8 THE GREEN, STE B		
City:	DOVER	County:	Kent
State:	DE	Postal Code:	19901
Phone:	302-581-4070		

FILING HISTORY (Last 5 Filings)

<u>Seq</u>	<u>Description</u>	<u>No. of pages</u>	<u>Filing Date</u> (mm/dd/yyyy)	<u>Filing Time</u>	<u>Effective Date</u> (mm/dd/yyyy)
1	LLC	1	9/21/2022	2:26 PM	9/21/2022

<u>File Number:</u>	6941375	<u>Incorporation Date / Formation Date:</u>	7/29/2022 (mm/dd/yyyy)
<u>Entity Name:</u>	DRUGLIKE, INC.		

*Delaware Division of Corporations Entity Status Report
Purchased by Plaintiff FTC on Feb. 15, 2023, via
<https://icis.corp.delaware.gov/ecorp/entitysearch/namesearch.aspx>*